REMARKS

Applicants respectfully request reconsideration of the present Application. Claims 1-55 have been amended herein. Care has been exercised to not introduce any new matter. Claims 1-55 are pending and are in condition for allowance.

Rejections based on 35 U.S.C. § 112

Claims 1, 17, 33, 41, and 49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, based on the previously-presented claim limitation "wherein the at least one virtual point-to-point connection emulates a dedicated connection path connecting the input interface to the at least one enhancement cluster." Claims 1, 17, 33, 41, and 49 have been amended to comply with the written description requirement and provide clarity.

"The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement." MPEP 2160.02. The currently-amended claim limitation states "wherein the at least one virtual point-to-point connection emulates a dedicated point-to-point connection path connecting the input interface to the at least one enhancement cluster." Support for this limitation can be found in the original specification at paragraphs [0005], [0007], and [0022]. Specifically, the specification describes problems of the prior art to include employing a point-to-point transport layer requiring dial-up lines and their associated servers and routers to be "dedicated to the individual Internet service providers[.]" ¶[[0005]. But according to the invention described in the specification, which solves this problem of the prior art, "[m]odem calls originally configured to request and receive PPP-type connections to a given [i.e. dedicated] service provider may be … injected into a virtual private network or tunnel which connects the call to an

enhancement cluster. ... The data packets [of the user's data] may be encapsulated in a higher-level tunneling protocol, so that the transmitted data may still assume that PPP-type transport is being used [thereby allowing] end users to make use of the asymmetric data network to establish virtual point-to-point connections with providers[.] ¶ [0007]. Accordingly, "the user's data packet, which may have originated in PPP or other format, may traverse tunnel 116 assuming that the connection to enhancement cluster 118 is direct, when in fact the connection may be indirect or otherwise. However, because the user's data stream is spoofed or made to believe or behave as though it were direct, the non-symmetric, hybrid telephone/computer network along which traffic is flowing may convey data types which assume a symmetric connection, such as PPP or other protocols. Thus, access to enhanced Web sites and other destinations may be provided to any number of users, discriminated on destination domains and without the necessity for dedicated trunks to service the point-to-point traffic of individual providers. ¶ [0022].

Rejections based on 35 U.S.C. § 103

Claims 1-3, 5, 11-19, 21, 27-29, 30-33, 37-39, 40, 41, 45-48, 49-53, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin (U.S. Publication No. 2003/0149746) in view of Araujo et al. (U.S. Patent No. 6,118,785). Claims 4, 7,20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin (U.S. Publication No. 2003/0149746) and Araujo et al. (U.S. Patent No. 6,118,785) as applied to claim 1 and further in view of Lin (U.S. Patent No. 7,117,530). Claims 6, 22, 34, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. (U.S. Publication No. 2003/0149746) and Araujo et al. (U.S. Publication No. 2003/0163577) as applied to claim 1 and 17 and further in view of Arrow (U.S. Patent No. 6,226,751). Claims 8-10, 24-26, 35, 36, 43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin et al. (U.S. Publication No.

2003/0149746) and Araujo et al. (U.S. Patent No. 6,118,785) as applied to claim 1, 17, 33, and 41 and further in view of Baldwin (U.S. Publication No. 2003/0078996).

These rejections are moot based on the foregoing remarks. Independent claims 1, 17, 33, 41, and 49 have been amended to more particularly define certain aspects of embodiments of the present invention.

"To establish *prima facie* obviousness of a claimed invention, "all the claim limitations must be taught or suggested by the prior art." MPEP 2143.03. The disclosure of U.S. Publication No. 2003/0149746 to Baldwin ("Baldwin") does not teach or suggest "an input interface . . . that is capable of facilitating a transfer of encapsulated data packets that are associated with the modem-based data session and operable to send using a tunneling protocol for delivery via one or more virtual point-to-point connections based on a destination address or other identifier associated with the encapsulated data packets" and "at least one virtual point-to-point connection for communicating the encapsulated data packets over a communications path traversing the at least one asymmetric-routing data network and operable to convey data-types which assume a point-to-point connection, wherein the at least one communications path couples the input interface to the at least one enhancement cluster based on the destination address or other identifier associated with the encapsulated data packets, and wherein the at least one virtual point-to-point connection emulates a dedicated point-to-point connection path connecting the input interface to the at least one enhancement cluster."

Rather Baldwin teaches away from the Applicant's claimed embodiments; Baldwin 746 describes an all-inclusive appliance (called an "ensoBox") for Internet Service Providers (ISPs). Baldwin at ¶ [0005]. The functional goal of the ensoBox invention described in Baldwin is to provide services and Internet access to subscribers of an ISP franchise and to

provide back-office management software required to run the ISP. Baldwin at ¶ [00310]. Accordingly the ensoBox appliance described in Baldwin is not like the Applicant's claimed "enhancement cluster". The ensoBox appliance includes the input interface (Remote Access Servers). *See* Baldwin FIGs. 2-4. Specifically, the input interface, which receives modem-calls, is part of the Access Node component of the ensoBox. Baldwin ¶¶ [0153] to [0155].

Additionally, "[t]he functionality of the ensoBox is divided into three modules, or nodes, called the Core Node, Access Node, and Services Node." Baldwin at ¶ [0281]. Each Access Node is associated with a specific Core Node and Services Node. As the examiner points out, the purpose of the Core Node is to serve as the middle-man between the Internet and the PSTN. Baldwin at ¶ [0137]. "[The Core Node] connects directly to the Internet" and "[i]t also connects directly to the Access Node." Baldwin at ¶ [0137]. The connection between the Access Node and the Core Node is formed using 4 dedicated circuits; two of which are reserved for a subscribers' VLAN and the other two are reserved for Management VLAN. Baldwin at ¶ [0320]. Baldwin further notes that two circuits for each VLAN are used to provide redundancy "in the event of failure to one of the circuits." Baldwin at ¶ [0137].

The Core Node is connected to the Services Node in a similar manner. Baldwin at ¶ [0327]. Thus, according to Baldwin, a user who connects to the input interface must connect, via a dedicated connection within the ensoBox, to a specific core node, offering internet access, and services node, offering services. There is no "virtual point-to-point connection" between an input interface and an enhancement cluster "based on the destination address or other identifier" as recited in applicant's currently amended claims, because the all calls received by the input interface within the Access Node are connected via dedicated connections to a Core Node and Services Note associated with that Access Node.

Moreover, the configuration taught by Baldwin is not unlike the prior art that is distinguished in Applicant's specification, which describes the limitations in the prior art as including "hardwiring the network edge for specific providers" (¶ [0006]); "in general, the dial-up lines and their associated servers and routers must be dedicated to the individual Internet service providers providing the service"(¶ [0005]); and requiring "dedicated trunks to service the point-to-point traffic of individual providers" (¶ [0022]).

Combining Baldwin with the teachings of Araujo does not lead to each feature of the claimed invention because Araujo discloses having a PPP communications session transmitting data over a virtual connection to the remote access server…each PPP data belonging to a particular session from a particular CPE (customer premises equipment) is mapped one-to-one to a particular L2TP Tunnel (column 9 lines 9-46). Moreover, Araujo teaches using a tunnel that connects from a MUX to a Remote Access Server (input interface) and not "at least one virtual point-to-point connection for communicating … over at least one communications path … [that] couples the input interface to the at least one enhancement cluster."

Additionally, Araujo does not contribute any additional information on the Applicant's currently-amended claim limitations discussed above, which the Baldwin lacks as well. Because Baldwin does not describe the features of these claim limitations, and Araujo's teaching cannot be combined with Baldwin to arrive at these features, the combination does not render the claimed embodiment of the invention obvious.

CONCLUSION

For at least the reasons stated above, claims 1-55 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or jcamacho@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 21-0765.

Respectfully submitted,

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